IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

APPEAL FROM ORDER NO.775 OF 2005
IN
NOTICE OF MOTION NO.5652 OF 2000
IN
S.C. SUIT NO.6663 OF 2000

Shri Gunawant Govind Tamse — Appellant
vs.
Shri Pratap Govind Tamse & ors. — Respondents

Mr.D.M.Manoharan for the appellant.

Mr.Vikas Mahangare for the respondents 1 to 5.

CORAM : B.H. MARLAPALLE,J.

DATED : 2nd September 2005

P.C.

By the impugned order dated 13.2.2003, notice of motion no.5652/2000 came to be partly allowed and the defendant no.1 is restrained from dispossessing the plaintiff from the suit premises. This appeal has been filed by the plaintiff.

2. On 4.8.2005 when the appeal was taken up for hearing on admission, it was stated that the parties being members of the same family wanted to settle the matter amicably. Though the learned counsel for the appellant is absent, the appellant is present and he states that negotiations are in progress.

3. There is no case made out to consider the appeal for granting relief of temporary injunction, beyond the relief already granted by the Court below in the impugned order, at this belated stage. Therefore, the appeal is dismissed in limine and this order will not come in the way of the parties for compromising the disputes pending in the Suit.

(B.H. MARLAPALLE,J.)